

BOARD APPLICATION

WESTFIELD BOARD OF ADJUSTMENT

WESTFIELD PLANNING BOARD

Kristine Burd
Board Secretary
kburd@westfieldnj.gov
908-789-4100 ext. 4602

ALL APPLICATION MATERIALS (board application, engineering plans, architectural plans, reports, photo, etc.) MUST BE COLLATED.

Staff is here to assist you in completing your application submission to the Planning Board or Zoning Board of Adjustment. It is recommended that any party interested in submitting a development application with the Town of Westfield request a meeting or call with staff to review the application process applicable based on the nature of the application. Though this step is optional, Ms. Kristine Burd, Board Secretary may be contacted at 908-789-4100, extension 4602, or by email at kburd@westfieldnj.gov to request a meeting or call with board staff.

Staff has prepared the document, “Applications for Development: The Essentials”, which summarizes the development application process. You are encouraged to review this document to help you understand the steps involved in appearing before the Planning Board or Zoning Board of Adjustment.

Please be sure your Application Package consists of the following before submitting to the Board Secretary for Completeness Review

- Completed Request for Property Owners List
- Completed, Completeness Checklist (*the Green Development Checklist which is a part, is only required to be submitted with all Preliminary and Final Site Plan and Preliminary and Final Subdivision applications.)
- Three copies of the following:
 - Completed Application form
 - Completed List of Existing Non-Conforming Zoning Conditions form
 - Completed List of new 40:55D-70 c and d Variances Requested form
 - Completed Requirements and Variances Summary Table
 - Completed Request of Waiver of Submission Requirements (only if requesting a waiver from submission requirements for your application)
 - Completed Affidavit of Ownership form
 - Completed Escrow Agreement and Refund Request form
 - Completed De Minimis Exception Application form (only if exceptions from the requirements of the State Residential Site Improvement Standards are requested)
 - Initial application and escrow fees
 - Plans, sketches, renderings, etc. required
 - An original signed, dated, and scalable survey of the property. (For the survey one original and two copies are permissible) The survey must reflect current conditions of the property and can be no more than 2 years old.

Once deemed complete, the Board Secretary will request the required full complement of copies of your application and supporting documents, as well as, a digital copy of your submission in a pdf format.

Please collate all application materials into sets.

The Board Secretary will also inform you of any additional application and escrow fees that may be required upon review of your application.

Your application will not be scheduled for a hearing until all required documents and fees are submitted.

TOWN OF WESTFIELD

REQUEST FOR PROPERTY OWNERS LIST

APPLICANT, PLEASE FILL OUT THIS SECTION ONLY

For _____
Property address

Block # Lot# Date Requested

Applicant's Name Phone #

ENGINEERING DEPARTMENT SECTION:

Date received by Engineering. Dept. _____

Please determine all properties in the Town of Westfield within 200 feet of the above referenced address and list the Block and Lot numbers on the back of this sheet. Forward it to the Tax Assessor's office. Thank you.

TAX ASSESSOR'S OFFICE SECTION:

Date received by Tax Assessor's Office _____

Please prepare a list of owners' names and addresses (showing Block and Lot numbers also) from the current tax duplicates of all properties shown on the back of this sheet and forward the list to the **BOARD OF ADJUSTMENT SECRETARY ONLY.** Thank you.

PLEASE FORWARD A COPY OF THIS SHEET TO THE FOLLOWING PERSON:

___ Secretary, Planning Board

___ Secretary, Board of Adjustment

Date list was forwarded_____

To be completed by TOWN OF WESTFIELD ENGINEERING DEPARTMENT

THE FOLLOWING WAS PREPARED BY _____ ON _____
Engineering Dept. Date

BLOCK	LOT	BLOCK	LOT
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

() Property is within 200' of the Sun Pipe Line.

- ☐ Ticked municipalities below also have properties within the 200-foot radius, which are not included in the above list.
- ☐ Mountainside
- ☐ Scotch Plains
- ☐ Clark
- ☐ Garwood
- ☐ Cranford
- ☐ Springfield

TOWN OF WESTFIELD
APPLICATION

I. Identification:

This appeal is from (applicant's name) _____

street address _____ telephone _____

e-mail _____ fax _____

for property in Westfield, NJ located at (street address) _____

II. To: (check one)

☐ Planning Board

☐ Board of Adjustment

Board Secretary: Ms. Kristine Burd 908-789-4100 extension 4602
959 North Avenue West, Westfield, NJ 07090: FAX 908-789-4113

III. For a Hearing For: (Check all applicable)

Specific Applicable Sections of the Westfield L.U.O. for:

Submission Requirements Checklists

Procedures

<input type="checkbox"/> *C variances	4.03A, 9.02, 9.03, 9.11	4.04, 7.01C, 7.01D, 8.03, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *D variances	4.03A, 9.02, 9.03, 9.11	4.04, 7.01C, 7.01D, 8.03, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> Conceptual Site Plans & Subdivisions	9.04	8.07
<input type="checkbox"/> Minor Site Plan	9.02, 9.03, 9.08	8.06, 8.08, 8.13, 8.14, 8.23
<input type="checkbox"/> *Preliminary Major Site Plan	4.03C, 9.02, 9.03, 9.09, 9.13	4.04, 8.04, 8.06, 8.10, 8.13, 8.14, 8.19, 8.23
<input type="checkbox"/> Final Major Site Plan	9.02, 9.03, 9.10, 9.13	8.06, 8.11
<input type="checkbox"/> *Minor Subdivision	9.02, 9.03, 9.05	8.01, 8.06, 8.09, 8.13, 8.14, 8.23
<input type="checkbox"/> *Preliminary Major Subdivision	4.03D, 9.02, 9.03, 9.06, 9.13	4.04, 8.01, 8.04, 8.06, 8.10, 8.13, 8.14, 8.19, 8.23
<input type="checkbox"/> Final Major Subdivision	9.02, 9.03, 9.07, 9.13	8.06, 8.11
<input type="checkbox"/> **Conditional Use	9.02, 9.03	4.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Structure in street, drainage way, flood basin, reserved area	4.03F, 7.01E2	4.04, 7.01E, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Structure on lot not abutting street	7.01F2	4.04, 7.01F, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Board of Adjustment "a" appeal/ administrative officer error	7.02B2 & 3	7.02A & B, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> *Board of Adjustment "b" appeal/ interpretation ordinance/map	4.03B, 7.02C1 & 2 & 3	4.04, 7.02A & C, 8.04, 8.06, 8.13, 8.14
<input type="checkbox"/> Residential cluster	9.02, 9.03, 9.06, 8.12, 11.03F	8.13, 8.14

***Public noticing is required pursuant to Section 4.03 & 4.04 ** A major site plan review is also required with a conditional use application.**

IV. Application Description: Briefly describe the nature and scope of this application, including proposed uses and improvements. All subdivision appeals must state the present and proposed number of lots.

V. Reasons: Briefly summarize the reasons why you believe this appeal should be granted.

VI. Property Description: Please provide the following information about the property, which is the subject of this appeal.

•Enclose a scaleable (full size) copy of a location survey of the property; showing the surveyors name and license number, and date of survey, if this information is not otherwise provided on a site plan or subdivision plat. Survey can be no more than 2 years old.

•Street address _____

Zone district _____ Block No. _____ Lot No. _____

•Dimensions of lot _____ Area of lot _____ sq. ft.

•Use of premises present _____
proposed _____

The proposed use is: ☐ permitted by ordinance ☐ a conditional use which has been granted by the Planning Board or Zoning Board of Adjustment

☐ a use permitted by variance ☐ a nonconforming (i.e., "grandfathered") use ☐ not a permitted use

Name of Owner _____ Telephone No. _____

Street address of Owner _____ Fax. No. _____

•Does the above owner also own any property that abuts the subject property?

☐ No ☐ Yes If yes, address: _____

If yes, is the abutting property subject to the Loechner-Campoli rule of merger? ☐ No ☐ Yes (If you don't know, check with the Tax Assessor in the Municipal Building.)

•Are there any present deed restriction(s) which affect this property? ☐ No ☐ Yes If yes, attach copy of deed, including language of restriction(s).

•Are there any pending proceedings, concerning the property which is the subject of this application, before any federal, state, or local board of authority? ☐ No ☐ Yes If yes, list here and attach a brief description of each.

VII. Attorney Identification: Private individuals, or sole proprietors may represent themselves (i.e., present the application) before the Board. All other categories of applicants must be represented by an attorney. (Reference: 1998 Cox - pages 477 & 478)

If applicant (or owner) is to be represented by an attorney, please furnish the following information:

Attorney's name _____ Telephone No. _____

Attorney's firm _____ Fax. No. _____

Street address _____

VIII. Notarization:

I/We, the undersigned applicant(s) do hereby grant permission for the members of the Planning Board, and the Zoning Board of Adjustment, their Attorney and the Zoning Officer of the Town of Westfield, NJ to enter upon the property which is the subject of this application, during all daylight hours during the pendency of this application. Permission to enter structures will be given for a mutually agreeable time.

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true and correct.

Signature of Applicant (in the presence of a Notary)

Print Name: _____

Sworn and Subscribed to
before me this _____
day of _____, 20__

Address: _____

Notary Public

Home phone _____

Business phone _____

IX. Do not write in the following spaces:

TO BE COMPLETED BY THE ZONING OFFICER:

- To the best of my knowledge and belief, this application is complete and correct.
- This application is currently the subject of a:
 - _____ Zoning violation notice, No. _____, copy enclosed.
 - _____ Municipal Court complaint, docket No. _____, copy enclosed.
 - _____ Other pending action, (describe) _____
 - _____ None of the above

Signature

TO BE COMPLETED BY THE BOARD SECRETARY:

Has there been any previous appeals(s) involving these premises?

[] No [] Yes If yes, attach copies of resolution(s)

TO BE COMPLETED BY THE COMPLETENESS DESIGNEE:

Application accepted as complete on _____.

Signature

TOWN OF WESTFIELD

LIST OF EXISTING NON-CONFORMING ZONING CONDITIONS

Section 7.01B Review of existing non-conforming conditions in connection with applications for variances or for the direction of the issuance of certain permits.

In reviewing applications for variances or for the direction of the issuance of certain permits, the Board shall determine whether any existing non-conforming conditions involving the subject property will exacerbate, intensify, alter, affect or in some way result in a significant impact on the proposed use, structure or land. If the Board finds that no substantial impact or detriment will result, the Board shall so state in its findings of fact in the resolution for the application, without the need for such existing non-conforming conditions to meet the criteria established by N.J.S.A. 40:55D-34, 36, 51a, 51b, 70c and 70d and this ordinance for variances or exceptions. If the Board finds that substantial impacts or detriments will result, however, the application shall not be approved unless and until the applicant agrees to mitigate or eliminate such impacts or detriments to the maximum extent feasible.

The above shall not be construed to alter the review procedures not the criteria for granting variances or exceptions for violations proposed by the development or existing illegally on the subject property.

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
2.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
3.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
4.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
5.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
6.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:

TOWN OF WESTFIELD

LIST OF NEW C.40:55D-70 c AND d VARIANCES REQUESTED

SECTION 9.02: GENERAL REQUIREMENTS; SUPPORTING DOCUMENTATION

In addition to the submission requirements for the individual categories of applications in the following sections, all categories of applications, except for conceptual site plans and conceptual subdivisions, shall be required to submit a statement indicating all of the provisions of the Land Use Ordinance from which a waiver or variance is sought.

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
2.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
3.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
4.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
5.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
6.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
7.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:
8.	Section:	Nature of Deficiency:
	Permitted:	Present: Proposed:

TOWN OF WESTFIELD
REQUIREMENTS AND VARIANCES SUMMARY TABLE PER SECTION 911 B.7.

**THIS TABLE MUST BE INCLUDED WITH ALL APPLICATIONS FOR "C" AND "D" VARIANCES,
AND MUST BE SHOWN ON ALL REQUIRED SITE PLANS, SUBDIVISION PLANS, AND PLOT PLANS**

The below regulations are for all RS, RM and P zones applications. All RA, O, CBD and GB zone applications use the "Bulk and Lot Regulations" for the zone.

ZONE:

APPLICANT:

STREET ADDRESS:

PROPOSED

USE SEPARATE COLUMN FOR EACH LOT

<u>REG. NO.</u>	<u>REGULATION</u>	<u>UNITS</u>	<u>REQUIRED</u>	<u>LOT No.</u>	<u>VARIANCE? *</u>	<u>LOT No.</u>	<u>VARIANCE? *</u>
	Minimum gross area	sq. ft.					
	Minimum area within first _____ ft. of depth	ft.					
	Minimum width	ft.					
	Minimum frontage	ft.					
	Minimum depth	ft.					
	Minimum front yard (per Sections 12.03C & D & E)	ft.					
	Minimum side yard	ft.					
	" "	ft.					
	Minimum rear yard	ft.					
	Maximum building coverage (without deck)	%					
	Maximum building coverage (with deck)	%					
	Maximum FAR or total habitable floor area	%					
	Maximum building height	ft.					
	Maximum all improvements coverage	%					
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						
	Other:						

NOTE: This table must be consistent with the two variance lists, if they are included in the application.

* Single star all variances which are new variances; i.e., are not pre-existing, non-conforming conditions which will continue.

TOWN OF WESTFIELD

Request for Waiver of Submission Requirements

Section 8.05D:

The applicant may request that one or more of the submission requirements in Article 9 be waived. A written request, explaining the basis for such request(s) must be submitted for such waiver requests in order to be considered. The Board or its authorized committee shall grant or deny the waiver request within forty-five (45) days of receipt of the written request. The following provisions shall apply to the grant of such waivers:

Waivers may be granted from submission requirements for plan information or supplemental documentation that may be irrelevant or excessive in the case of a particular application and which are not necessary to determine the substantive merits of an application.

The above provisions shall not be construed to affect the procedures for granting variance or other relief as set forth in Article 7.

I do hereby request that the Board waive the submission requirements on the attached pages, for the reasons stated, pursuant to authority contained in Section 8.05D of the Westfield Land Use Ordinance.

Applicants Signature

Date

Attach a list citing the ordinance section and subject of the waiver, and the reasons for the request.

**TOWN OF WESTFIELD
UNION COUNTY NEW JERSEY**

AFFIDAVIT OF OWNERSHIP

I, _____, of full age, being duly sworn
(Print Name)

according to law, do hereby certify that I am the (check one) ☐ owner or ☐ duly authorized officer of the owner (as listed on the application form), of the following property which is the subject of the within application to the Westfield Planning Board or Zoning Board of Adjustment:

Block & Lot (s) _____

Street Address(es) _____

Check one:

1. _____ As the owner (or officer of), I am the Applicant in the within application.
2. _____ As the owner (or officer of), I am not the Applicant. I certify that I have reviewed and consent to the within application and that the information contained herein is true and correct to the best of my knowledge. I authorize the following entity/individual to act as the Applicant in making this application:

a. Authorized Individual/Entity: _____

b. Authorized Individual/Entity Interest in Property (i.e., Tenant, Contract Purchaser): _____

(Signature of Owner/Officer of Owner)

Sworn and subscribed to
before me on this _____
day of _____, 20____.

Notary Public

ESCROW AGREEMENT AND REFUND REQUEST

Board of Adjustment _____ Planning Board _____

NAME: _____

ADDRESS: _____

I understand that escrow fees as established by Section 5.03A of the Land Use Ordinance are necessary to reimburse the Town for the cost of professional services required for the completion of this application. I understand that these fees are deposited into an escrow account to be utilized for the payment of said services, and if necessary additional fees will be provided upon request by the Town, and upon an accounting of the escrow deposit.

After memorialization of this application and after payment has been made for all professional fees associated with this application, please refund the remaining balance, if any, of funds held in escrow for this application. I understand there may be a zero balance.

I understand that any escrow balance will be refunded to the party who put forth the deposit.

Signature of Applicant

Date

TOWN OF WESTFIELD

Additional Submission Requirements for All Applications Which Include Sign Variances.

- Sketches or photos of all existing signs, and for each; the type, location, size, inscription, and illumination, if any.
- State which, if any, of the existing signs will be removed, or that none will be removed.
- For each new sign(s) provide 18 copies of a sketch or drawing showing the type, location in relation to a public entrance, dimensions and colors of the sign, inscription and type of illumination, if any. Also submit a color chip for each color.
- Eighteen (18) sets of photos of each side of the building.
- When applying for a freestanding sign, the location of the sign must be dimensioned from the lot boundaries on a plan of the property, preferably a surveyor's location survey.

TOWN OF WESTFIELD

De Minimis Exception Application

Instructions for Completing the Form and Checklist

WHEN THIS APPLICATION IS NECESSARY	
<p>The municipal approving authority may grant by resolution of the planning board or zoning board of adjustment such <i>de minimis</i> exceptions from the requirements of the residential site improvements standards, <u>N.J.A.C.</u> Title 5, Chapter 21, as may be reasonable, and within the general purpose and intent of the standards if the literal enforcement of one or more provisions of the standards is impracticable, or will exact undue hardship because of peculiar conditions pertaining to the development in question.</p> <p>Examples of <i>de minimis</i> exceptions include, but are not limited to, the following:</p> <ol style="list-style-type: none">1. Reducing the minimum number of parking spaces and the minimum size of parking stalls;2. Reducing the minimum geometrics of street design, such as curb radii, horizontal and vertical curves, intersection angles, centerline radii, and others;3. Reducing cartway width; and4. Any changes in standards necessary to implement traffic calming devices.	
PROPERTY INFORMATION	
Block	Provide all tax block numbers of the subject property, as shown on the official tax map of the Township.
Lot	Provide all tax lot numbers of the subject property, as shown on the official tax map of the Township.
Zone	Provide all zoning information of the subject property, as shown on the official zone map of the Township.
Address of the subject property	Provide the numbered street address of the property, if known. Otherwise, just provide the street or intersection.
Indicate the standards from which an exception is sought	Refer to the State statute, <u>N.J.A.C.</u> Title 5, Chapter 21 Residential Improvement Standards. Your professional engineer should have a copy of this statute. Include the citation(s).
Indicate the manner by which strict compliance would result in practical difficulties	Refer to the State statute, <u>N.J.A.C.</u> Title 5, Chapter 21 (RSIS).
Indicate the nature and extent of such practical difficulties	Refer to the State statute, <u>N.J.A.C.</u> Title 5, Chapter 21 (RSIS).

TOWN OF WESTFIELD
Application for
DE MINIMIS EXCEPTION FROM
RESIDENTIAL SITE IMPROVEMENT STANDARDS
(New Jersey Administrative Code, Title 5, Chapter 21)

NAME AND ADDRESS INFORMATION		
Applicant's Name Zip Code	Mailing Address	Daytime Telephone ()
Property Owner's Name – if other than above Zip Code	Mailing Address	Daytime Telephone ()
Authorized Agent (Contact Person) for correspondence Zip Code	Mailing Address	Daytime Telephone ()
PROPERTY INFORMATION		
Block(s)	Lot(s)	Zone
Address of Subject Property		
Indicate below the standards from which an exception is sought (include citation) – use additional sheet if necessary:		
Indicate below the manner by which strict compliance with provisions would result in practical difficulties – use additional sheet if necessary:		
Indicate the nature and extent of such practical difficulties – use additional sheet if necessary:		

Applicant's Signature

Property Owner's Signature (if other than applicant)

Agent's Signature

Dear Applicant:

Attached is a recently adopted fee ordinance for all development application and escrow fees. Please note that there are two separate fees to be submitted when you file your application with the town. One check is to be submitted for the application fee, and a separate check is to be provided for the escrow fee. Please make checks payable to "**Town of Westfield**". If you are not sure of what fees are required, submit the initial fee listed below for the application type you are filing. Please be advised that additional application and escrow fees may be required upon our review of your application based upon the attached fee schedule.

Application Type	*Initial Application Fee	Initial Escrow Fee
C Variance	\$150.00	\$250.00
D Variance		\$500.00
- Residential	\$400.00	
- Non-Residential	\$750.00	
Appeal of Zoning Officer Decision	\$100.00	\$300.00
Interpretation of Zoning Regulations	\$100.00	\$300.00
Conditional Use Review	\$250.00	\$250.00
Concept Plan	\$150.00	\$400.00
Minor Site Plan	\$250.00	\$500.00
Minor Sub-Division	\$300.00	\$750.00
Preliminary Major Site Plan	\$350.00	\$750.00
Final Major Site Plan	\$175.00	\$375.00
Preliminary Major Sub-Division	\$500.00	\$250.00
Final Major Sub-Division	\$250.00	\$175.00
Property Owner's List	\$ 25.00	--

Applications for Development: The Essentials

**Appearing before the Planning Board or Board of
Adjustment for Approval of a Variance,
Subdivision, Site Plan, or Conditional Use**



Town of Westfield
Planning and Zoning Department
959 North Avenue West, Westfield, New Jersey 07090
<https://westfieldnj.gov/190/Planning-Zoning>

Applications for Development

An application for development is required for approval of a variance, subdivision, site plan, or conditional use. Depending on the type of application, either the Planning Board or Board of Adjustment has jurisdiction to review the application.

The following pages describe and summarize the development application process. The process is as required by the New Jersey Municipal Land Use Law and applicable Town of Westfield Land Development Regulations.

Applicants are encouraged to discuss their application with staff prior to filing. Staff can assist with filing procedures and provide general guidance to applicants, including recommendations which may help to improve the application. Staff is always happy to assist you through the process. To request an appointment, contact Kristine Burd at 908.789.4100, ext. 4602, or via email at kburd@westfieldnj.gov.

The Town of Westfield Land Development Regulations may be found online at <https://www.westfieldnj.gov/205/Land-Use-Ordinance-Amendments>. You may also find application forms, the zoning map, board meeting schedules, the Town Master Plan, and various other planning documents through the Planning and Zoning Department webpage on the Town's website at <https://westfieldnj.gov/190/Planning-Zoning>

What is a Variance?

A variance is an approved departure from the requirements included within the local zoning ordinance. A variance is needed if construction, alteration, or occupancy of a structure will result in a violation of zoning ordinance requirements. By State Statute, variances may only be approved by the Planning Board or Zoning Board of Adjustment. They may not be approved by Town staff. Which board reviews the request for a variance is also determined by State Statute. Staff will assist an applicant in determining which Board can hear their variance request. It is important to note that construction permits cannot be submitted or reviewed until any required variances are obtained.

There are two categories of variances as described below:

"c" - Variances (Bulk Variances)

"c" Variances are filed when an applicant seeks an exception to the strict application of the local zoning ordinance. Bulk variances are filed for the following reasons:

- Exceptional narrowness, shallowness, or shape of a specific piece of property
- Exceptional topographic condition
- Extraordinary and exceptional situations uniquely affecting a specific piece of property and the structures lawfully existing thereon
- The purposes of the N.J. Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements

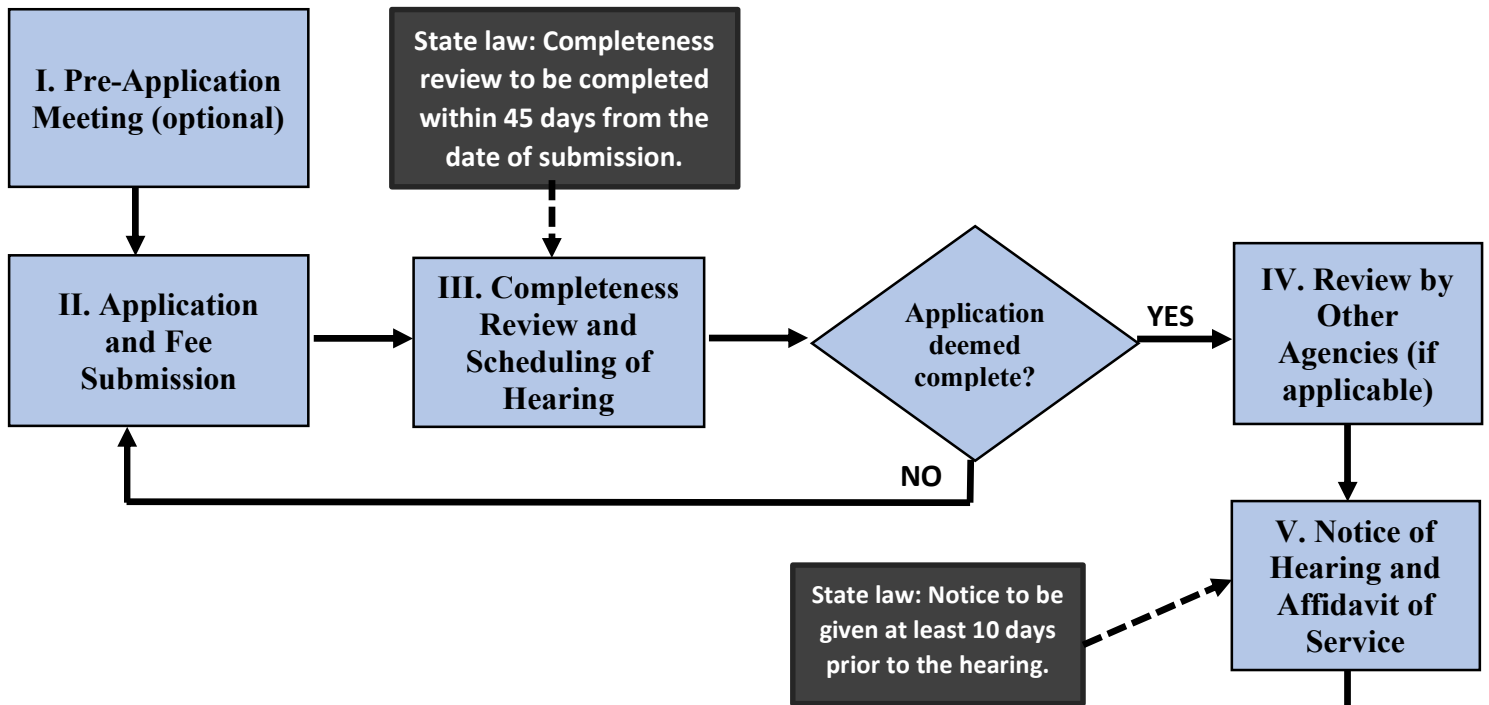
"d" - Variances (Use Variances)

"d" Variances, may only be heard by the Zoning Board of Adjustment. They are filed by an applicant for one or more of the following reasons:

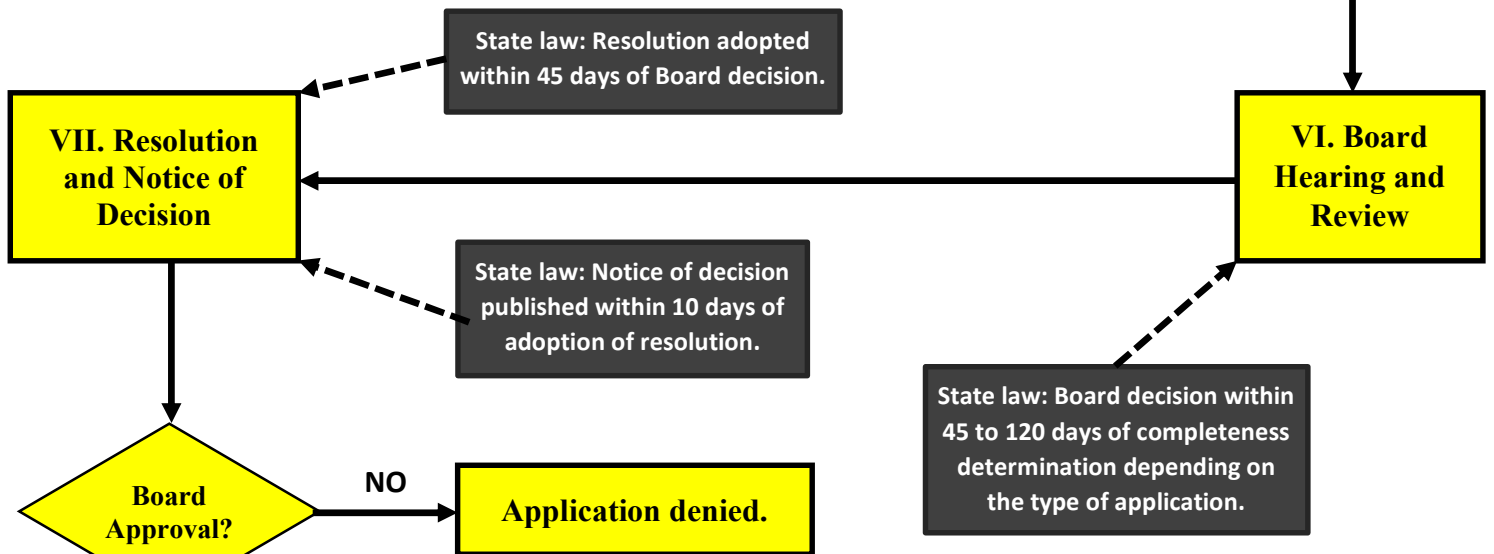
- To construct or create a use or principal structure in a zoning district that has restrictions against such use or principal structure
- To expand a non-conforming use
- To deviate from a conditional use requirement
- To increase the permitted floor area ratio (FAR)
- To increase the permitted density
- To increase the permitted height by 10 feet or 10% of the maximum height permitted

No variance may be granted if it would cause substantial detriment to the public good, or if it would substantially impair the intent and purpose of the zone plan and zoning ordinance.

The Development Application Process



Board Review of Your Application



After Your Board Approval



I. Pre-Application Meeting (Optional)

It is recommended that any party interested in submitting a development application with the Town of Westfield request a meeting with staff to review the application process mandated by State law and any Town of Westfield (“Town”) ordinance requirements that may apply based on the nature of the application. Though this step is optional, Ms. Kristine Burd, Board Secretary may be contacted at 908-789-4100, extension 4602, or by email at kburd@westfieldnj.gov to request a meeting with board staff.

II. Application and Fee Submission

Please keep in mind that throughout the application process, the responsibility for meeting application filing requirements always rests with the applicant.

1. Obtain an application package from the Department of Planning and Zoning
 - ✓ Application packages which consist of an application form, ancillary forms, and completeness checklist may be obtained from the Office of Planning and Zoning at 959 North Avenue West, or online at www.westfieldnj.gov.
2. Complete the application form and all other required forms contained with the package, including the completeness checklist.
 - ✓ Mark the completeness checklist for each item under the applicable category for the type of application you are filing.
 - ✓ If you are requesting a waiver of submission requirements, be sure to submit the “Request for Waiver of Submission Requirements” form complete with the information required.
3. Provide plans, photographs, all other required documentation as called for in the completeness checklist, and required fees when you file your application.
 - ✓ An applicant is required to submit both an application fee and escrow fee. The fee schedule is established by ordinance. Escrow is used to cover costs of board professionals such as the board attorney, board engineer, and board planner. The board’s professionals bill the applicant, through the Town, for time spent on an application. Whatever escrow is not utilized is returned to the applicant. If the escrow becomes deficient, no further action shall be taken on the application unless the escrow is funded by the applicant.
4. Applications may be delivered to the Office of Planning and Zoning, 959 North Avenue West, Westfield, NJ 07090.

III. Completeness Review and Scheduling of Hearing

After you submit your application, staff will review to determine that the application is complete, pursuant to the requirements of the NJ Municipal Land Use Law

(NJSA 40:55D-10.3) and Town Land Development Regulations. This is a legal determination as to whether the application submission includes all of the items and detail required by the application checklist. Staff has a period of 45 days in which to review your application for completeness.

If your application is deemed to be incomplete, you will be notified of the application deficiencies and it is up to you as the applicant to make any necessary corrections. Any resubmission must be reviewed for completeness within 45 days of the date of the resubmission. *A meeting date will not be assigned until your application is deemed complete.*

If your application is deemed complete, you will be notified and given a hearing date with the board of jurisdiction.

Planning Board regularly scheduled meetings are held on the first Monday of every month starting at 7:30 in Westfield Town Hall, 425 East Broad Street, Westfield.*

Board of Adjustment regularly scheduled meetings are held on the second Monday of every month starting at 7:30 in Westfield Town Hall, 425 East Broad Street, Westfield.*

Either Board may entertain a special meeting at the request or consent of the applicant. If requested by the applicant, a special meeting fee is required. The ability to hold a special meeting depends on factors such as board member availability and meeting space availability.

**Please check the board calendars at www.westfieldnj.gov for any exceptions due to holidays.*

IV. Review by Other Agencies

If outside agencies such as the County Planning Board or Soil Conservation District are required to review the application, it is the applicant's responsibility to file for approval from those agencies.

For some applications, local ordinance requires referral to the Town Historic Preservation Commission or the Tree Preservation Commission for its review and comment. These bodies act in an advisory capacity to both the Planning and Zoning Boards and may comment on your application. Board staff will inform an applicant if review by these agencies is required, and if additional sets of plans or separate application to either commission is required.

V. Notice of Hearing and Affidavit of Service

Notice of a scheduled hearing must be given at least 10 days prior to the date of the hearing, and the date of the hearing is not counted as one of the 10 days. It is the responsibility of the applicant for proper processing of notices, and not the board. Failure to provide timely notice as required by law will result in a rescheduling of your hearing date. For detached single-family homeowner applicants, board staff will prepare the legal notice for you unless requested otherwise.

The applicant is responsible for publication of the notice of the hearing in an official newspaper of the Town of Westfield, however, for single-family homeowner applicants, board staff will prepare and publish notice in the newspaper for you. The

Town's official newspapers are the Westfield Leader and Star Ledger. Please note that the Leader publishes on Thursdays. The Star Ledger serves as the daily newspaper for the Town.

ALL applicants are responsible for noticing all owners of real property, as shown on the current tax duplicate, located within 200 feet of the property or properties which are the subject of the hearing. Notice is to be provided by either serving a copy of the notice to the property owner, or the agent in charge of the property, (a signature is required as proof of service) or by mailing a copy of the notice by certified mail to the affected property owner.

Notice to a partnership owner is to be made by service upon any partner. Notice to a corporate owner is to be made by service upon its president, vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

When the subject property is located within 200 feet of an adjoining municipality, notice must be given by personal service or by certified mail to the clerk of that municipality. The applicant is required to obtain a certified list of property owners from the adjoining municipality. Notice sent to the clerk and property owners in the adjoining municipality must be the same as those sent to property owners in Westfield.

When the subject property is located on a county road, notice is also to be given to the Union County Planning Board. Notice must also be provided to public utilities, cable television companies, and any local utility.

The application packet includes a form entitled "Request for Property Owner's List" which must be completed in order for staff to prepare the certified property owners list for you.

An applicant must provide the board with an affidavit of proof of service showing that notice was provided in accordance with law. The affidavit must have attached a copy of the notice, and copies of any certified list or lists of property owners along with any certified mail slips.

VI. Board Review of Your Application

Representation:

Corporate applicants, in general, can only be represented by an attorney at law admitted to practice in the State of New Jersey. An applicant is required to appear before the board in person, or be represented by an attorney or authorized agent to present their case before the board.

Agenda:

The Board chair will call for applicants to present their case at the hearing, following the order of applications as listed on the Board's agenda for that evening.

Order of Hearing:

The applicant is responsible for having all witnesses, evidence, displays, handouts and other items as may be necessary ready at the hearing. Copies of any materials marked as exhibits at the hearing must be retained by the board.

Each witness may be questioned by members of the public after their testimony. In addition, the board chair will provide an opportunity to the public to make overall comments on the application.

Any objectors to an application also have the ability to cross-examine witnesses, bring their own witnesses, and make a case as to why the application should be modified or denied.

Board decision:

Upon conclusion of the hearing, or as soon thereafter as possible, the board will discuss and deliberate before voting to approve the application, approve the application with conditions, or deny the application.

Timeframe in which the board must act:

The board is required to act within a certain time from which the application is deemed complete, dependent upon the characteristics of the application.

45 days for: Minor site plans, preliminary major site plans of 10 acres or less or 10 dwelling units or less, final major site plans, minor subdivisions, final major subdivisions

95 days for: Preliminary major site plans of more than 10 acres or more than 10 dwelling units, preliminary major subdivisions of more than 10 lots

120 days: When an application involves a variance request, structures not related to a street, or structures in the bed of a street or reserved public area

All timeframes may be extended with the consent of the applicant.

VII. Resolution and Notice of Decision

Resolution:

After the board votes on an application, the board attorney will prepare a resolution which memorializes their decision. The resolution is normally adopted at the next meeting date after which a decision is made, in order to give adequate time for the board attorney to draft, and board members the ability to review the resolution. By law, the resolution must be memorialized within 45 days of the board's vote.

A copy of the board's resolution will be mailed to you within 10 days of its adoption. State law also requires that a notice of the board's decision be published in the official newspaper which for Westfield is the Westfield Leader or Star Ledger. This notice shall be sent to the official newspaper for publication within 10 days of the date of memorialization of the board's resolution. Any appeal of the board's decision must be made within 45 days of the date of publication of the notice of decision. Please note

proceeding with the permitting and construction process during the appeal period is at your own risk.

AFTER BOARD APPROVAL

VIII. Meet Conditions of Approval

Any and all conditions of approval must be complied with before permits can be issued. If plans must be modified due to a condition of approval, they must be modified prior to signing of the plans by municipal officials.

IX. Signing of Approved Plans/Deed, etc.

Approved site plan and subdivision plans or deeds as required are signed by the Board Chair and Board Secretary. These plans become part of the applicant's approval and all construction must be in compliance with these plans.

X. File for Construction Permits

You must still apply for all construction permits after receiving an approval. All final plans must have been signed, and in the case of subdivisions also filed with the County. All conditions of approval must be complied with before permits can be issued.